IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4208 OF 2006

Gokhale Education Society ...Petitioner

Versus

The State of Maharashtra and ors. ...Respondents

Mr. P.K. Dhakephalkar, Senior Advocate, instructed by Mr. J.S. Reddy for the petitioner.

Mr. R.D. Rane, Government Pleader, for respondent No. 1.

Mr. G.J. Sabnis for respondent No.2.

Mr. P.M. Palshikar for respondent No.3.

CORAM: **H.S. BEDI, C.J.,** &
V.M. KANADE, J.

DATE: **OCTOBER 04, 2006**.

P.C.

The order at Exhibit-ZD to the petition has been impugned by the petitioner-society, inter alia, on the plea that it had been passed without giving notice of hearing to the petitioner. In our opinion, the contention raised by the petitioner appears to be correct. From paragraph 22 of the petition, we find that notice had been issued to the petitioner-society on 12th August,2005, calling upon the petitioner to

attend the meeting before the Grievance Committee at its meeting to be held on 17th August, 2005. The petitioner expressed its inability to remain present before the Grievance Committee on 17th August, 2005, and prayed for another date. Concededly, no further opportunity was given to the petitioner and the impugned order has been passed by respondent No.3.

2. The learned counsel for the petitioner contended that as the aforesaid order had been made without affording any opportunity of a hearing to the petitioner and as the order was likely to impinge upon the authority of the management to remove the petitioner from service, an opportunity ought to have been awarded to the petitioner before any order was made. We find merit in this plea. The record reveals that the petitioner has not been given any opportunity of hearing before the passing of the impugned order.

3. In the facts and circumstances, we quash the impugned order at Exhibit-ZD to the petition. We direct respondent No.3 to pass a fresh order in accordance with law, after hearing all concerned. The writ petition is disposed of accordingly.

CHIEF JUSTICE

V.M. KANADE, J.